

Remarks

Claims 7-10 and 19-23 are pending in the application.

Claim rejections

Section 102

Claims 7-10 and 19-23 were rejected under 35 USC 102(e) as being anticipated by Davis et al. (US 6,367,009) ("Davis"). The Applicant respectfully traverses for at least the reason that Davis contains no disclosure regarding a pre-authorized machine or a pre-authorized network element as required by the present claims.

Claims 7-9 have been amended to recite "pre-authorized" machines. This amendment clearly does not raise new issues since claims 19-23, already considered and acted on by the Examiner, recite a pre-authorized network element. Therefore, the amendments should be entered even though the Office Action is final.

In Davis's arrangement, no server is pre-authorized. Instead, an MTS (middle tier server) and an ETS (end tier server) must exchange "certificates" before a "secure session" is established between the MTS and the ETS. See, e.g., col. 15, lines 25-35. Then, the MTS sends to the ETS a "delegation document" produced by an earlier exchange of certificates between a client and the MTS. See, e.g., FIG. 6 and col. 10, lines 19-51, col. 11 lines 65-67 to col. 12, lines 1-2, and col. 14, lines 48-65. Then, the ETS must verify the MTS's certificate and validate the delegation document before any transaction may take place between the client and the ETS.

In the Office Action, the Examiner contends that Davis meets the noted limitation because in Davis "authorization is pre-authorized because there are two sessions in Davis, the second session is pre-authorized from the first session." Based on this, it appears that the Examiner is essentially arguing that *after* a process of authorization, a thing becomes "pre-authorized."

The Examiner is respectfully reminded that a claim is not to be construed contrary to its plain language. See *Rhine v. Casio, Inc.*, 183 F.3d 1342, 1345, 51 USPQ2d 1377, 1379 (Fed. Cir. 1999). Further, as stated in the MPEP, "[d]uring patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification'" (emphasis added). MPEP 2111, citing *In re Hyatt*,

211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). The present claims recite a pre-authorized machine or network element; they do not recite a process whereby the machine or network element *becomes* authorized. Moreover, the specification is fully consistent with this, as in, e.g.: “Since the network resource in question has pre-authorized a machine, this pre-authorization extends to each end user that assumes the virtual identity of the machine.” (Page 3, lines 9-11.) Also:

“In particular, it has been recognized that it is beneficial to provide one or more pre-authorized machines whereby the machine by nature of its identity is permitted access to various network resources which would be inaccessible given a different identifier. In accordance with the present invention, if any other user of the system is permitted to assume or is assigned the 10 identity of the pre-authorized machine, then that user will also have all of the access capabilities associated with the pre-authorized machine.”

(Page 4, lines 5-11.)

This disclosure and the corresponding claims clearly relate to a pre-existing authorization and the advantages deriving therefrom. The arrangement in Davis does not enjoy any of these advantages since it involves extensive handshaking and validation operations. Respectfully, the Examiner's effort to make the pre-authorized elements recited in the present claims read on the elaborate authorization process in Davis is at odds with well-settled principles of claim construction.

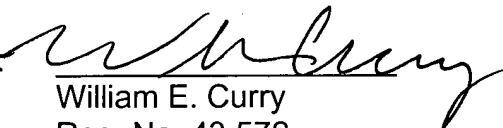
Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201